

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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THERON WASHINGTON,

Civil No. 10-3397 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

ALBERT PIKE LODGE, LIEUTENANT  
RENDILMON, MARTY ZAVINVSKI  
JARKOSKI, KRISTEN RAE  
LETSILLIER,

Defendants.

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Theron Washington, 1005501 Anoka County Jail, 325 East Jackson Street,  
Anoka, MN 55303, pro se plaintiff.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel, dated August 23, 2010 [Docket No. 3]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. This action is dismissed pursuant to Fed.R.Civ.P. 12(h)(3), for lack of subject matter jurisdiction;

2. Plaintiff's application to proceed *in forma pauperis* [Docket No. 2] is **DENIED**; and

3. Plaintiff is required to pay the unpaid balance of the statutory filing fee, namely the full \$350.00, in accordance with 28 U.S.C. Section 1915(b)(2).

Dated: September 15, 2010  
at Minneapolis, Minnesota

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge